

MINUTES OF A SPECIAL MEETING OF THE UPLAND PLANNING COMMISSION AND JOINT SPECIAL MEETING WITH THE AIRPORT LAND USE COMMITTEE HELD WEDNESDAY, FEBRUARY 12, 2020 AT 6:30 P.M.

CALL TO ORDER OF THE PLANNING COMMISSION SPECIAL MEETING

Chair Aspinall called the Special Meeting of the Upland Planning Commission to order in the Council Chambers of the Upland City Hall at 6:35 P.M.

PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Commissioner Walker.

ROLL CALL

MEMBERS PRESENT:

Commissioners Anderson, Brouse, Walker, Vice Chair Schwary, and Chair Aspinall

MEMBERS ABSENT:

Commissioner Novikov

ALSO PRESENT:

Development Services Director and Planning Commission Secretary Dalquest,

Contract Planning Manager Poland, Senior Administrative Assistant Davidson,

Deputy City Attorney Shah

APPROVAL OF MINUTES - None

COUNCIL ACTIONS – None

FUTURE AGENDA ITEMS - None

ORAL COMMUNICATIONS

Chair Aspinall stated this is the time for any citizen to comment on any items that are not listed on the agenda under "Public Hearings" but within the Planning Commission's purview. Anyone wishing to address the Planning Commission should submit a speaker card to the Planning Secretary prior to speaking. The speakers are requested to keep their comments to three (3) minutes. The use of visual aids will be included in the time limit. Under the provisions of the Brown Act, the Planning Commission is prohibited from acting on items not listed on the agenda.

Noting there were no members of the public wishing to address the Commission, *Chair Aspinall* closed the oral communications.

RECESS SPECIAL PLANNING COMMISSION MEETING

Chair Aspinall called for a recess of the Special Planning Commission meeting at 6:40 P.M.

<u>CALL TO ORDER OF THE JOINT SPECIAL MEETING OF THE PLANNING COMMISSION AND AIRPORT LAND USE COMMITTEE (ALUC)</u>

Chair Aspinall called to order the Joint Special meeting of the Planning Commission and Airport Land Use Committee at 6:40 P.M.

ROLL CALL OF THE ALUC

MEMBERS PRESENT:

Committee Members Anderson, Brouse, Bunte, Campbell, Walker, Vice Chair

Schwary, Chair Aspinall

MEMBERS ABSENT:

Committee Member Novikov

ORAL COMMUNICATIONS

Chair Aspinall stated this is the time for any citizen to comment on any items that are not listed on the agenda under "Public Hearings" but within the Planning Commission's purview. Anyone wishing to address the Planning Commission should submit a speaker card to the Planning Secretary prior to speaking. The speakers are requested to keep their comments to three (3) minutes. The use of visual aids will be included in the time limit. Under the provisions of the Brown Act, the Planning Commission is prohibited from acting on items not listed on the agenda.

Noting there were no members of the public wishing to address the Commission, *Chair Aspinall* closed the oral communications.

PUBLIC HEARINGS

1. PUBLIC HEARING FOR SITE PLAN NO. 19-09, DESIGN REVIEW NO. 19-17, AIRPORT LAND USE COMPATIBILITY NO. 18-12, LOT LINE ADJUSTMENT NO. 19-17, AND DEVELOPMENT AGREEMENT NO. 20-0001, FOR THE PROPOSED DEVELOPMENT OF A 201,096 SQUARE FOOT WAREHOUSE/PARCEL DELIVERY SERVICE BUILDING WITH AN ANCILLARY OFFICE/RETAIL SPACE.

A request to allow a 201,096 square foot warehouse/parcel delivery service building with an ancillary office/retail space and associated site improvements on 50.25 acres.

Project location: Northeast corner of Foothill Boulevard and Central Avenue. Further described as Assessor's Parcel Numbers 1006-351-09, 1006-351-10, 1006-572-11, 1006-551-12, 1006-551-22, and 1006-574-10.

STAFF:	Mike Poland, Contract Planning Manager
APPLICANT:	Bridge Development Partners, LLC 1600 E Franklin Ave Suite D El Segundo, CA 90245
RECOMMENDATION:	That the Airport Land Use Committee/Planning Commission:
	1. Receive staff's presentation;
	2. Hold a public hearing and receive testimony from the public;
	 Planning Commission move to approve a Resolution recommending City Council adoption of a Mitigated Negative Declaration for the proposed project; and
	 Airport land Use Committee move to approve a Resolution setting forth findings and making a determination of land use compatibility with the Cable Airport Land Use Compatibility Plan; and
	 Planning Commission move to approve a Resolution recommending City Council approval of Site Plan No. 19-09 and Design Review No. 19-17; and
	6. Planning Commission move to approve a Resolution recommending City Council approval of Lot Line Adjustment No. 19-17.
	7. Planning Commission recommend that the City Council adopt an Ordinance approving Development Agreement No. 20-0001.
COUNCIL HEARING REQUIRED:	Yes
APPEAL PERIOD:	N/A

Chair Aspinall opened the Public Hearing.

Contract Planning Manager Mike Poland presented details of the staff report addressing entitlements requested by the applicant, existing conditions, location and surrounding land uses, previous activities observed on the site, site plans and changes made from the original application submittal, allowed uses per the City's General Plan and consistency with the General Plan, zoning, building architecture and proposed materials, landscaping, access to the site, compatibility with the Airport Compatibility Plan, lot line adjustments, CEQA requirements and guidelines, noticing and comment periods. He discussed written responses to comments, environmental topics within the CEQA review, technical studies performed and findings.

Development Services Director Dalquest presented details of the development agreement noting the terms, community benefits/public improvements, sales tax in-lieu fees and enforcement of truck traffic. Relative to the latter, he requested the following addition: Section 11.D, "With respect to delivery vans that leave the site to traverse through Upland for destination points beyond the City's boundaries, the routes utilized shall be the major/minor arterial street network and freeways as shown on Figure CRR1 of the General Plan. Delivery vans shall not utilize designated local street networks unless for direct, local deliveries from the facility".

Contract Planning Manager Poland continued with the presentation noting the project is consistent with the Commercial/Industrial Mixed Use General Plan Land Use designation and its policies; that the proposed project is compliant with the Commercial/Industrial Mixed Use Zoning District and applicable development standards, and the project is consistent with the Cable Airport Land Use Compatibility Plan and listed recommendations.

Vice Chair Schwary referenced the truck routes and asked about enforcement to ensure they stay on the correct routes and Development Services Director Dalquest discussed provisions within the development agreement for enforcement including an initial warning for the first violation and fees for subsequent violations. It was noted the Police Department was involved with the developer and they created a list relative to enforcement of truck traffic.

Development Services Director Dalquest added under State law, development agreements must go through an annual review which will provide an opportunity to ensure the developer is in compliance with the development agreement. After multiple violations, ultimately the matter could lead to court action.

Vice Chair Schwary inquired as to the neighboring vacant land and lot line adjustments.

In response to *Vice Chair Schwary's* inquiry regarding lot-line adjustments, *Contract Planning Manager Poland* noted one lot line will be eliminated and two others will be adjusted.

Deputy City Attorney Shah reported the Cable Airport Plan includes a provision that prior to consideration of the substance of the project, itself, there needs to be a Committee determination that the project is compatible with the requirements of the Cable Airport Land Use Compatibility Plan.

Commissioner/Committee Member Walker asked about the calculation for the tax in-lieu fee and the related 20-year term and Development Services Director Dalquest reported when they negotiated the development agreement the developer wanted only a 10-year time frame but staff renegotiated to a 20-year term, which is typical for development agreements.

Discussion followed regarding the proposed frequency of truck traffic monitoring.

Development Services Director Dalquest addressed calculation of the in-lieu fee and noted the negotiation of the development agreement has been between staff and the developer.

Vice Chair Schwary noted the need to include language that future Councils cannot allocate the money to anything else other than what it was intended to do.

Deputy City Attorney Shah noted the development agreement is a binding contract so that the money paid is for a specific purpose. If the development agreement is adopted by Council, it goes in as an ordinance and a future Council could do an amendment to the development agreement.

Chair Aspinall invited the applicant to the podium for a presentation.

Heather Crossner, Bridge Development Partners, LLC, presented details of the project and addressed additional studies, community meetings, mitigation of negative impacts, trip generation studies, health risk assessments, communication with the cities of Claremont and Montclair, details of the MND, habitat assessments, traffic studies, efforts to make the project more sustainable, existing site conditions and noted the project will give the City \$16 million for street maintenance and other public improvements. Ms. Crossner noted they have acted in good faith, want to be good partners with the community, referenced a list of 900 signatures in support of the project and asked the Planning Commission to approve the project.

Chair Aspinall inquired as to the change in orientation of the buildings.

In response to *Chair Aspinall's* question, *Ms. Crossner* discussed the reasons for changing the direction of the building from east/west to north/south including improving the visibility of the building.

Vice Chair Schwary inquired whether the 900 signatures were from Upland residents and Ms. Crossner responded, affirmatively.

Discussion followed regarding the number of trucks allowed and the need for the project to be consistent with the environmental analysis contained in the Mitigated Negative Declaration. It was noted the agreement must be fair to the City and reasonable to be applied.

Commissioner/Committee Member Walker reiterated her question regarding calculation of the in-lieu fees and Ms. Crossner reported the improvements made will last well beyond 20 years. The purpose of the in-lieu fee was at the City's request on the basis there might have been a potential retail use for the site and that the City not lose out on that opportunity. Any changes, in the future, will have to go through the public vetting and review process and the developer is not seeking any credit from standard development fees and no credits from any sales tax that would be generated in addition to having this development.

In terms of the number of vans allowed, it was noted the developer will not exceed what has been studied.

Discussion followed regarding the possibility of jobs being offered to Upland residents, first.

In response to Commissioner/Committee Member Anderson's questions regarding changes to the project, Ms. Crossner reported each and every change will need to return to the City for approval.

Discussion followed regarding the possibility of changing the zoning in the perimeter of the project to block expansion in the future and quail some of the voiced concerns.

Committee Member Campbell noted in terms of permitted uses, the project is bound by the Airport Land Use/Caltrans, as to what can go there.

Development Services Director Dalquest indicated restrictions within C1, C2 and C3 will restrict future use.

Chair Aspinall invited the public to address the Planning Commission on this item.

Ralph Cavallo, resident, discussed a homeless encampment on the property; noted it must be cleaned up and spoke in support of the project, proposed improvements, and the creation of jobs.

Yuri Hurtado, resident, spoke in support of the project especially the benefit to the Upland Public Library as it creates a unique opportunity for much-needed improvements.

Paul Trawnik, resident, spoke about the substantial community benefits of the project and in support of the proposed development.

Roger Stevenson, Laverne, addressed the building footprint; asked that the truck traffic be clearly limited; felt the zoning is not compatible with the intended use as this will be a limited warehouse use; noted inconsistencies in the report; expressed concerns with the truck traffic calculations and noted vehicle definitions are lacking.

Bill Smith, resident, opposed the project; noted he pays sales tax with no 20-year plan and urged the Commission to

deny the project.

Mike Nuñez, resident, spoke in opposition to the project and urged Commission to deny it.

Dede Ramella, resident, discussed the City as a bedroom community; noted increased traffic, noise and congestion; addressed the declining value of labor and spoke in opposition to the project, noting Upland is not for sale.

Jerry Fenning, resident, expressed concerns regarding delivery of products; reported none of the 100s of vans are part of the MND report; noted the need for an EIR; asserted the report is inadequate; suggested the Planning Commission vote on the project after the 2020 elections or the initiative should go to a vote of the people and requested the company use all electric vehicles.

Barbara McJoynt, resident, expressed concerns with negative impacts of the project including congestion and traffic; opined an EIR is required; hoped that Upland cannot be bought and reported the project has no sustainable sales-tax revenue for its proposed 50-100 year life.

Cindy Phillips, resident, spoke in opposition to the proposed project; reported speaking with Montclair and Claremont representatives who expressed concerns about potential negative impacts to traffic and spoke in opposition to the project.

April Chertkow, Pomona, alleged the project will create more traffic, pollution and noise and will destroy sensitive habitat areas including for the burrowing owl; opined an extensive EIR should be conducted and urged Council to deny the project.

David Wade, resident, spoke in opposition to the project; opined the applicant has had unlimited time to comment on the project, yet residents have only three minutes; believed there should be no vote until there is a full Planning Commission; took exception with the proposed zoning; felt there has been no decision on new evidence that has been presented and urged the Commission to take its time.

David Hull, Claremont, spoke in opposition to the project; opined the project is incompatible and inappropriate for the surrounding neighborhood and expressed concerns with negative impacts to the quality of life.

Terris Wolff, Claremont, spoke about increased traffic in the area and the negative impacts resulting from the proposed project and urged the Commission to deny the proposal.

Dori Ferranto, Upland Chamber of Commerce, read a letter from the Chamber in support of the proposed project and listed benefits to the City.

Jay Cohen, Montclair, spoke in support of the project noting the various benefits to the City and urged the City to take the money, while there is still an opportunity.

Carl Bunch, resident, referenced Section 11.D of the development agreement relative to enforcement, noting it is lacking as there is no set limit for the amount of cars or vans allowed; opined penalties should escalate with every violation and urged the Commission to deny the agreement unless changes are made to address enforcement.

Steven Reyes, resident, spoke in support of the project noting it will bring in many jobs and provide benefits to the community.

Ferdinand Estrada, Santa Ana, spoke in support of the project noting it offers opportunities for much-needed improvements and benefits to the area including to local schools and public safety.

Chair Aspinall called for a recess at 8:50 P.M. The meeting was reconvened at 8:55 P.M. with all Commissioners and Committee Members, present except Commissioner/Committee Member Novikov.

Craig Stover, Los Angeles, spoke in support of the project, noting benefits to local schools.

Marilyn LaSalle, Fontana, spoke in support of the project.

Kelly Foreman, resident, opined the project will provide a great opportunity for the City and urged the Commission to approve it.

Dianne Middleton, San Dimas, believed the project will uplift the City and urged the Commission to approve the project.

Yohance Salmon spoke in support of the project noting it is a great opportunity to improve and grow the City.

Pamela Owens, resident, reported the City has declined over the years; discussed the existing condition of the property and urged the Commission to approve it.

Nina Ewing, Laverne, spoke in support of the project and the opportunities it will bring to the City.

Tameka Campbell, Fontana, spoke in support of the project and the benefits to the youth of the City.

Kim Anthony, resident, spoke in support of the project noting the many jobs it will bring will improve the quality of life of many and provide an economic boost for the City and asked the Commission to approve the project.

Tommy Morrow, resident, spoke in support of the project and encouraged the Commission to vote to approve the proposed project and take advantage of the opportunities it offers.

Natalie Garrett, resident, expressed concerns with negative impacts to adjacent and neighboring cities and indicated she trusts the Commission to make the right decision.

Erron Garrett, resident, expressed concerns regarding negative impacts to surrounding communities and the environment and urged the Commission to carefully consider encouraging local employment.

Debra Johnson, Fontana, reported never having problems with warehouses in the area; discussed benefits to the community and urged the Commission to approve the project.

Eric Gavin, resident, spoke in support of the project, of due process and private property rights. He noted the project is permitted, by right and urged the Commission to approve it.

Brigette James, resident, spoke about e-commerce being the wave of the future; discussed the need for funds to improve local schools and urged the Commission to consider the future and approve the project.

Bill Behjat, resident, indicated he submitted two (2) comments and inquired why they were not included; discussed health risk assessments and opined the project is hazardous to the community, especially to residential areas surrounding it, and urged the Commission to deny the project.

Bob Cable, resident, spoke in support of the project noting it is smaller than the business park next to it; discussed change being inevitable and urged the Commission to approve the project.

Dylan White, resident, discussed the funding for the Tiny Tots building at Memorial Park; expressed concerns about negative economic impacts and urged the Commission to do its job.

Lois Sicking Dieter, asked the Commission to consider the site plan and development agreement; opined the design and layout will interfere with the use and enjoyment of neighboring properties; reported the City of Claremont was clear in their disapproval of the staff report and urged the Commission not to settle for the first thing that comes along. Additionally, she commented on the inadequacy of the health risk assessments and urged the Commission to deny the project.

Cathy Osman, resident, spoke about her commute to Chino for work; noted increased traffic and felt the project will add to existing traffic problems and pollution. She believed Amazon will have trouble keeping their side of the bargain, that fees will not deter them and urged the Commission to deny the project.

Kris Gooding, resident, spoke in opposition to the project; reported asking for a traffic analysis of the area, which has not been done and urged the Commission to deny the project.

Marjorie Mikels, resident, discussed the development agreement indicating 50 trucks will be permitted, daily, where it should indicate 25 trucks; referenced the various actions to be taken per violation and opined the enforcement section of the development agreement needs re-vetting.

Shannan Maust, resident, felt that just because a building will be erected does not mean the homeless encampments will go away; questioned why the developer did not start the process with community engagement; opined the process has not been transparent; felt the tenant should be available to respond to community concerns and urged the Commission to do the right thing.

Greg Bradley, resident, opined the proposed development is not a warehouse, but rather, a truck terminal and does not fit the zoning. He expressed concerns regarding increased traffic; noted a lack of definitions pertaining to trucks and vans; felt the reports are misleading and poorly written; stated the in-lieu payments only last 20 years and indicated it is the wrong project for the area.

Eric Nilsson, Claremont, discussed assumptions made and considerations missing from the report; noted problems in calculations relative to the distance travelled by a delivery vehicle and urged the Commission to deny the project.

Natasha Walton, resident, spoke in opposition to the project; opined it is missing an EIR and more studies should be conducted and expressed concerns with negative impacts on natural habitats.

Beatriz Cardenas, Alhambra, spoke about the lack of transparency of the developer towards residents; opined this case is corporate America versus middle-class America and voiced opposition for the project.

Laura Smith, resident, spoke in opposition to the project; reported Amazon does not treat their employees well and alleged corruption and bribery.

Samson Tam, resident, spoke about the proposed benefits to the community and the future value of those benefits and spoke in opposition to the project.

Amira Brewart, resident, spoke about changes to Upland during the years; noted change is inevitable and voiced support for the project.

Jill Shirley, resident, expressed concerns regarding data versus emotion; discussed the homeless encampment and spoke in support of the project.

Steve Bierbaum, resident, urged that the Commission deny adopting the MND noting it is flawed along with the AQMD report and the health risk assessment. He indicated he has no faith in the Planning Department; noted he encourages development but spoke in opposition to the project and opined the development agreement should be up to the City Council to address.

April McCormick, resident, questioned how non-Upland residents heard about this project; noted 1/3 of the people in the audience are not Upland residents; addressed the City's general plan in terms of industrial uses; expressed concerns regarding increased traffic and opined Amazon should find a more-appropriate parcel for their operations.

Janet Thompson, resident, spoke about her passion for the City; reported Fontana is currently a sea of warehouses; stated change is not always good, and spoke in opposition to the project.

Brinda Sarathy, resident, discussed finding common ground; urged the Commission to consider the impacts of change; expressed concerns with money in politics and noted the need to think about the personal grievances of residents when considering this project.

Robert E. Scudder, resident, urged the Commission to ensure the project is environmentally sustainable with electric vehicles, solar panels and water-saving measures.

Ernesto Chavez, resident, expressed concerns regarding negative impacts of the proposed project; noted homelessness is occurring all over the City; wondered about the quality and kinds of jobs the project will produce; reported there are no guarantees in terms of specific dollar amounts to be allocated to local schools and urged the Commission to deny the project.

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Carol Bekendam, resident, reported she commutes between Upland and Claremont; discussed the small-town character of the City and spoke in opposition to the proposed project.

Heather Crossner, Bridge Development Partners, LLC, addressed their efforts in following the rules throughout the process; noted the proposed use is consistent with the General Plan zoning; urged the Commission to trust City staff and the six experts that have reviewed the MND and concurred with the findings and addressed their efforts at community outreach.

Discussion followed regarding collection and filtration of water on the property, the need to confer with neighbors to the east, setting a timetable for incorporating electric vehicles, providing definitions of trucks and vans to avoid ambiguity and the need to clearly identify the 25 trucks in daily trip generation.

Vice Chair Schwary felt the percentage in the development agreement in terms of enforcement of truck trips should be at 10% and there should be a fine with the first offense instead of a warning. He thanked the public for attending and participating in the discussions but expressed his disappointment at people who think this is a "done deal".

It was noted this project is based on following the law and following agreements and conditions applied to the project; not on faith and trust.

Chair Aspinall closed the Public Hearing.

Committee Member Campbell reported Cable Airport is a general aviation airport and cannot handle cargo airplanes.

Commissioner/Committee Member Walker thanked the public for attending and participating in the meeting and listed points for the basis of her decision on the item.

Vice Chair Schwary believed there is still a lot of work to do before the item is heard by City Council and noted the need to address residents' concerns.

Chair Aspinall commented positively on the process and expressed appreciation for the community's engagement.

Commissioner/Committee Member Anderson expressed disappointment at the divisiveness in the City; thanked City staff for their work and the developer for their interest in the concerns of residents and voiced support for the project.

Discussion followed regarding the project being a good fit for the location.

PLANNING COMMISSION:

Chair Aspinall moved to approve a Resolution recommending City Council adoption of a Mitigated Negative Declaration for the proposed project, as supplemented by additional mitigation measures.

The motion was seconded by Commissioner Anderson.

The motion carried by the following vote:

AYES: Commissioners Anderson and Brouse, Vice Chair Schwary and Chair Aspinall

NAYS: Commissioner Walker

ABSTAINED: None

ABSENT: Commissioner Novikov

AIRPORT LAND USE COMMITTEE/PLANNING COMMISSION:

Chair Aspinall moved to approve a Resolution setting forth findings and making a determination of land use compatibility with the Cable Airport Land Use Compatibility Plan.

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The motion was seconded by Vice Chair Schwary.

The motion carried by the following vote:

AYES: Committee Members Anderson, Brouse, Bunte, Campbell, Walker, Vice Chair Schwary and Chair Aspinall

NAYS: None

ABSTAINED: None

ABSENT: Committee Member Novikov

PLANNING COMMISSION:

Vice Chair Schwary indicated there are neighbors in neighborhoods that need to be taken care of and needs an accurate definition of a truck before the Commission could approve the Site Plan and therefore moved to deny a Resolution recommending City Council approval of Site Plan No. 19-09 and Design Review No. 19-17.

The motion was seconded by Commissioner Walker.

The motion carried by the following vote:

AYES: Commissioners Brouse and Walker, Vice Chair Schwary

NAYS: Commissioner Anderson, Chair Aspinall

ABSTAINED: None

ABSENT: Commissioner Novikov

Chair Aspinall moved to approve a Resolution recommending City Council approval of Lot Line Adjustment No. 19-17.

The motion was seconded by Commissioner Anderson.

The motion carried by the following vote:

AYES: Commissioners Anderson and Brouse, Vice Chair Schwary and Chair Aspinall

NAYS: Commissioner Walker

ABSTAINED: None

ABSENT: Commissioner Novikov

Chair Aspinall moved to recommend that the City Council adopt an Ordinance approving Development Agreement No. 20-0001.

The motion was seconded by Commissioner Anderson.

The motion carried by the following vote:

AYES: Commissioners Anderson and Brouse, Chair Aspinall

NAYS: Commissioner Walker, Vice Chair Schwary

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ABSTAINED: None

ABSENT: Commissioner Novikov

ADJOURN JOINT SPECIAL MEETING OF THE PLANNING COMMISSION AND AIRPORT LAND USE COMMITTEE AND RECONVENE THE SPECIAL PLANNING COMMISSION MEETING

Chair Aspinall adjourned the Joint Special meeting of the Planning Commission and Airport Land Use Committee and reconvened the Special Planning Commission meeting at 11:05 P.M.

BUSINESS ITEMS - None

COMMISSION COMMUNICATIONS - None

ADJOURNMENT

There being no further business to come before the Planning Commission, *Chair Aspinall* adjourned the meeting at 11:06 P.M., to the regular meeting of the Planning Commission on February 26, 2020, at 6:30 P.M.

Respectfully submitted,

Robert D. Dalquest, Secretary Upland Planning Commission